

DRAFT

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

August 29, 2017

Dear Administrator Pruitt:

As you are aware, the aftereffects of Hurricane Harvey pose potentially crippling effects not only to the regions in its path but also the economy of the entire Southeastern United States. As oil refiners and pipelines are paused or even shut down due to flooding, the operation of oil and gasoline refineries and flow of products to states in the region is imperiled.

To alleviate the pressure on North Carolina's and the region's supply and to optimize access to gasoline and make it readily available, I write to request that you issue two waivers for our state and region.

First, we ask EPA to issue a regional waiver of Reid Vapor Pressure (RVP) regulations, of 40 C.F.R. 80.27(a)(2) that 9.0 pounds per square inch (psi) RVP gasoline. This waiver would enable industry to supply 11.5# RVP fuel rather than the 9.0# fuel that is required by EPA in most areas of the southeastern United States. In North Carolina this requirement makes its usual seasonal adjustment on September 15, so this request covers the period from today until that date.

Second, we ask EPA to issue a waiver of Reformulated Gasoline regulations so that Conventional Blendstocks can be co-mingled with Reformulated Blendstocks in states where RFG is required. This waiver of the requirement of 40 C.F.R. 80.78(a)(7) would allow for more types of fuels to be imported into the region, improving the ability of the state to receive shipments from a diverse set of suppliers.

This request meets the waiver requirements of Clean Air Act section 211(c)(3)(C)(ii) as an extreme and unusual fuel supply circumstance exists and the expected fuel supply interruptions are the result of a natural disaster that could not reasonably have been foreseen or prevented and not the result of the lack of prudent planning. The granting of this waiver is in the public interest as an adequate supply of fuels is an important concern to the general public.

Commission Steve Troxler has authorized a state-level waiver regarding this issue for North Carolina, and co-signs this request to you.

Thank you for your assistance in this matter of great importance to our state and region, and please do not hesitate to contact us with any questions.

Sincerely,

Roy Cooper
Governor

Steve Troxler
Commissioner of Agriculture

cc:

Trey Glenn, USEPA Region IV Administrator

Sarah Dunham, USEPA Acting Assistant Administrator for OAR

Larry Starfield, USEPA Acting Assistant Administrator for OECA